

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

WHITNEY T TYUS, pro se,

Plaintiff,

VS.

PORTFOLIO RECOVERY ASSOCIATES,  
L.L.C.

Defendant.

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) Civil Action No.: 1:24-cv-01005-STA-jay  
) District Judge Stanley Thomas Anderson  
) Magistrate Judge Jon A. York

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Wendy R Oliver, Clerk  
U.S. District Court  
W.D. OF TN, Jackson

**PLAINTIFF MOTION IN OPPOSITION TO DEFENDANT PORTFOLIO RECOVERY  
ASSOCIATES MOTION FOR PERMISSION TO FILE A CD OF TELEPHONE CALL  
RECORDINGS**

I, Whitney T. Tyus, as the Plaintiff in the above-mentioned case, hereby opposes the Defendant's Portfolio Recovery Associates LLC (herein "PRA's") Motion For Permission to File A CD Of Telephone Call Recordings [D.E. 9] that was filed on or about February 2,2024 based on the following grounds:

## INTRODUCTION

1. This case involves claims against PRA for violations related to permissible purposes under the Fair Credit Reporting Act (FCRA) and Invasion of Privacy- Intrusion Upon Seclusion. The Defendant's premature attempt to introduce evidence outside the structured discovery process undermines the procedural safeguards established by the FRCP and prejudices the Plaintiff's ability to fairly litigate this case.

## ARGUMENT

2. Attempting to submit a CD of telephone recording to the court prior to the completion of initial disclosures as required under Federal Rules of Civil Procedure 26 would be bias in favor of the Defendants.

3. This opposition is grounded in the procedural requirements set forth in the FRCP and the principles of fairness and equity inherent in the discovery process

4. Federal Rules of Civil Procedure 26 Requires Timely Initial Disclosures - FRCP 26 mandates that parties must provide initial disclosures at or within a specific time frame set by the court. These disclosures are intended to ensure that both parties are informed of the evidence that may be used in the case, promoting a fair and efficient discovery process.

5. In accordance with FRCP 26(a)(1)(A)(ii) "a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;" Should be given to the opposing party before being introduce to the court for examination by that party, if going to be used during litigation.

6. The Defendant's premature submission of a CD contravenes the discovery process by attempting to submit a telephone recording before completing initial disclosures, the Defendant seeks to circumvent the established discovery rules, potentially prejudicing the Plaintiff's rights and the integrity of the discovery process.

7. Equity and fairness demand adherence to Discovery Rules. The principles of equity and fairness that underpin the discovery process require that both parties adhere to the rules and timelines established by the FRCP. Allowing the Defendant to introduce evidence prematurely would disrupt the level playing field essential for just adjudication.

### CONCLUSION

8. For the reasons stated above, the Plaintiff, Whitney T. Tyus, respectfully requests that: (1) the Court deny the Defendant's, PRA, attempt to submit the telephone recording prior to the completion of the Discovery Process and Initial Disclosures, as required under FRCP 26; (2) Ensure adherence to the Discovery Rules that is crucial for maintaining the fairness and integrity of the proceedings; and (3) that the Court grant such other and further relief as the Honorable Court deems just and proper.

Respectfully submitted this 20th day of February, 2024.

/s/ Whitney T Tyus  
Whitney T. Tyus  
41 Rose Hill Drive  
Jackson, Tennessee 38301  
whit.jay.lani2007@gmail.com

**CERTIFICATE OF SERVICE**

I hereby certify that the PLAINTIFF'S MOTION IN OPPOSITION TO DEFENDANT PORTFOLIO RECOVERY ASSOCIATES MOTION FOR PERMISSION TO FILE A CD OF TELEPHONE CALL RECORDINGS was filed on February 20, 2024 with the Clerk of Court, and a copy was mailed and emailed on February 20, 2024 by first class mail to counsel for, Portfolio Recovery Associates LLC, listed below.

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